

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SEAN GALLAGHER, PIAGET VENTUS,
NICOLE ASCENSIO, IANOS ORTEGA,
individually on behalf of all similarly situated
individuals,

Plaintiffs,

v.

NATIONAL RESTAURANT ASSOCIATION
SOLUTIONS, LLC; NATIONAL RESTAURANT
ASSOCIATION D/B/A SERVSAFE, and any other
related entities and individuals

Defendants.

No. 1:23-cv-00435 (LGS)

JOINT STATUS REPORT

Pursuant to this Court’s August 21, 2023 Order (ECF No. 32), Plaintiffs Sean Gallagher, Piaget Ventus, Nicole Ascensio and Ianos Ortega, individually and on behalf of all others similarly situated (“Plaintiffs”) and Defendants National Restaurant Association Solutions, LLC and National Restaurant Association d/b/a ServSafe (“Defendants”) jointly submit this status report and state as follows:

The procedural history and background of this matter is summarized in the parties’ March 29, 2023, Rule 26(f) report to the Court (ECF No. 14).

On August 15, 2023, the parties engaged in a nearly 10 hour mediation session with JAMS mediator Hon. Morton Denlow (Ret.). The parties held another half day (nearly 6 hour) mediation session with Judge Denlow on August 23, 2023.

The parties are now pleased to report they have reached a settlement in principal, conditioned upon Defendants' Board approval of the proposed settlement.¹

Anticipating approval by Defendants' Board, the parties have begun to work to formalize the terms of the agreement in a settlement agreement and request that proceeding in this matter be stayed until September 25, 2023, at (or before) such time, the parties intend to file a notice of dismissal.

Dated: August 25, 2023

Respectfully submitted,

/s/ Michael A Tompkins
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Counsel for Defendants

¹ As the National Restaurant Association is a not-for-profit company, agreement to the settlement requires a meeting of the board and officers be held before formal approval can be confirmed. Defendants' counsel anticipates their recommendation will be approved by the Board within the next 10-14 days.

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2023, a copy of the foregoing JOINT STATUS REPORT was filed with the Court's ECF system and served on counsel for all parties of record.

/s/ Lewis S. Wiener
Lewis S. Wiener